



AGENDA

ELECTORAL AND BOUNDARY REVIEW COMMITTEE

Monday, 8th March, 2010 at 1.00 pm Ask for: Peter Sass
Medway Room, Sessions House, County Telephone: 01622 694002
Hall, Maidstone

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Declarations of Interest on any items on this agenda
2. Election of Vice Chairman
3. Minutes - 2 November 2006 (Pages 1 - 2)
4. Review of KCC Election Arrangements (Pages 3 - 14)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

Friday 26 February 2010

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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KENT COUNTY COUNCIL

MINUTES of a Meeting of the Electoral and Boundary Review Committee held at County Hall, Maidstone on Thursday, 2 November 2006.

PRESENT:- Mr D S Daley, Mr G K Gibbens, Mr M J Harrison, Mr J F London and Mr M V Snelling.

IN ATTENDANCE:- Mrs M Cooper, Democratic Services Manager.

UNRESTRICTED ITEMS

1. Membership

(Item 1)

The Committee noted that Mr Gibbens had been appointed to serve on the Committee in place of Mr K A Ferrin MBE.

2. Minutes – 26 May 2005

(Item 2)

RESOLVED that the Minutes of the meeting held on 26 May 2005 are correctly recorded and that they be signed by the Chairman.

3. Election of Chairman

(Item 3)

Mr M J Harrison moved, Mr J F London seconded that Mr G K Gibbens be elected Chairman.

Carried without a vote

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To: Electoral and Boundary Review Committee – 8 March 2010

By: Geoff Wild, Director of Law and Governance
Giles Adey, Head Of Registration & Coroners

Subject: Review of KCC Election Arrangements

Classification: Unrestricted

Summary This report sets out details of a review of the arrangements relating to the joint KCC-EU Parliamentary elections held on 4 June 2009. It also considers the governance arrangements for future KCC elections and makes a number of recommendations in this respect.

1. Background

1.1 KCC holds elections every 4 years and commissions the 12 District Councils to run those elections. In 2009 the Government postponed the date of the English shire local government elections from 7 May 2009 so they could be combined with the European Parliamentary Election on 4 June 2009. Advantages resulting from the combination of the elections included:

- (a) making voting more convenient by avoiding asking electors to vote on two separate occasions within four weeks and
- (b) the cost of the elections were shared between local and central government.

1.2 On the basis that the elections only take place every four years it seemed sensible to review the 2009 KCC election arrangements to identify those aspects that worked well, those that did not work so well and those upon which we could improve for the future. Terms of Reference for the review as agreed with the County Returning Officer (CRO) are attached (**Appendix A**). Consultation took place with KCC Members, District Council Deputy Returning Officers (DRO) and KCC Count Representatives.

2. Findings and Outcomes

A summary of findings in respect of each of the Terms of Reference is set out below.

2.1 Arrangements for day-to-day liaison between KCC and the Districts prior to, and on the days of, the election and count

The Head of Registration & Coroners acts as Deputy to the CRO and is responsible for the day to day running of the election. He was supported by a small team of staff from his own unit. Within the District Councils the DROs have similar arrangements, usually with their electoral registration staff. The liaison arrangements between CRO and DRO staff worked well and this report does not seek to recommend that any changes be made to them.

2.2 Administrative arrangements for the notification of the various election notices (poll, candidates, election agents, etc) to KCC

Election notices were sent to KCC electronically, followed by hard copies where necessary. These arrangements worked well and this report does not seek to recommend that any changes be made to them.

2.4 Arrangements for the election counts and the process for the notification of results to KCC (including the attendance of KCC representatives at the count)

For the first time, KCC provided an 'election representative' to attend each of the counts. The purpose of their presence was to:

- (a) liaise with the District Council's election staff
- (b) communicate the results to KCC election HQ and
- (c) distribute KCC information packs to all elected KCC Members.

These arrangements worked well and this report does not seek to recommend that any changes be made to them.

Following the election, however, some concerns were expressed by KCC Members and the KCC election representative about the efficiency and effectiveness of the Dover and Shepway count, in particular the length of time it took to complete the count and declare the results. These results were declared between 5 pm and 7.15 pm and were the last in the County to be declared. The results from the other ten areas were declared between 12.30 pm and 4.45 pm.

For this election, it had been agreed between Dover District Council and Shepway District Council that the former would manage all the election arrangements for both authorities. As a consequence, a joint count for all the electoral divisions in both areas was held at Hawkinge Community Centre.

The CRO has discussed these issues with the two DROs concerned and has sought and been given assurances as to the smooth running of any joint counts in the future. If joint counts are proposed by DROs for any future elections, these will be subject to the arrangements being agreed in advance by the CRO and respective DROs.

2.5 The CRO's direction that the counts must not take place immediately following the close of poll but should instead start after 8.30 am on Friday 5 June

Following the 2005 joint KCC-Parliamentary elections, concerns were expressed by KCC Members about the length of time it had taken to complete the process for the notification and publication of the results. Some Districts declared results overnight (following the close of poll) whilst other Districts chose to begin their counts on the following morning, which meant that the overall results were not finalised until late on Friday afternoon. There were several reasons for this:

- (a) it was a joint Parliamentary/KCC election and the Parliamentary election count took precedence
- (b) the long and complicated process for verifying and counting postal ballot papers
- (c) a more complicated count process for the new KCC two-seats wards

- (d) re-counts
- (e) some KCC counts abandoned overnight to resume on Friday morning to allow counting staff some rest

In anticipation of similar problems occurring during the 2009 joint election, the Kent Association of Electoral Registration Officers and Staff (KAEROS) were asked to discuss the issue of the count and come up with a common approach. Their preferred choice, which was unanimous, was to hold the counts on the Friday 5 June, to commence no later than 9am. However, subsequent to this two DROs pressed the case for overnight counts as their own Member preference was for an Election Day evening count for all elections.

The CRO convened a meeting of DROs on 13 March 2009 to discuss this issue and to be updated on progress as regards the election arrangements. At this meeting, one DRO continued to press the case for an overnight count, but agreed to hold a Friday count if he was directed by the CRO to do so. The CRO issued such a direction to all DROs at the meeting and the counts all took place on the morning of Friday 5 June 2009.

There has since been some criticism by DROs and District election staff that the CRO direction came very late in the process, leading to some difficulties in the planning process and making the final arrangements. Whilst acknowledging these concerns, the case for a Friday morning count when there is a joint election is nevertheless compelling; it is supported in full by KAEROS and should be established as the norm for all such future elections.

2.6 The existing arrangement whereby the Head of Registration & Coroners (Proper Officer) is the accountable officer for the purpose of managing the election on behalf of the County Returning Officer

The Proper Officer for the purposes of KCC elections is a role currently undertaken by the Head of Registration & Coroners. Until the late 1990s the Registration & Coroners role sat within the Chief Executive's department but in the last decade this function moved initially to the former Strategic Planning Department, and then latterly to the Communities Directorate.

Traditionally within the shire counties, responsibility for the elections function sits within the Democratic Services unit and this is certainly the case within the other south-east shire counties. Clearly there are synergies to be gained by aligning these two functions, since considerable support is provided during KCC elections by Democratic Services staff, who work alongside their counterparts in Registration & Coroners. For the time being, it makes sense to leave the Proper Officer function where the expertise currently exists, although the current post-holder intends to retire before the next full KCC election in 2013 and alternative succession arrangements will, therefore, need to be made.

2.7 Arrangements for setting and approving payments and reimbursement of expenses to the County Returning Officer and KCC election staff

Since 1998, the Kent Scale of Election Fees (the Scale) has mirrored the latest national scale, with local variations (for example, payment to the District/Borough Councils for the use of their staff).

The Scale is agreed by the Kent Association of Chief Executives and is revised each year in accordance with the annual National Joint Council APT&C pay award.

In practice, as most of the District Chief Executives are also DROs, this means that the CRO and DROs determine the election fees they themselves will receive. There is clearly a conflict of interest for the Chief Executives and in order to introduce complete impartiality and to separate the duties of the CRO and DRO from the role of Chief Executive, it is recommended that the Scale should in future be determined by this Committee.

The Scale provides for a fee to be paid to the CRO for the management and conduct of the election. However there is no requirement for a local authority to pay the CRO a fee, and it is a matter for individual authorities to determine whether or not they should do so. For the 2009 KCC election, the centrally retained CRO fee was £36,700.23. The practice of the current and previous CROs has been to divide the CRO fee 50:50 with the KCC staff who assisted with the management of the election.

There is no national guidance around whether the payment of a fee to the CRO, or the apportionment of it with those staff who worked on the election, represents good, best or common practice. In this respect, the views of a number of other shire counties have been sought and show that practices vary considerably between them. Whilst some authorities mirror KCC's approach, others do not pay a fee to the CRO or the county staff assisting with the election. In these cases the election duties are embedded within the job descriptions of those who are involved in running the elections.

It is therefore recommended that this Committee consider and determine whether such a fee be payable in future to the CRO and, if so, whether any part of that fee should be apportioned amongst KCC election staff.

2.8 Arrangements for the Districts to recover all their reasonable and necessary election costs from KCC

The District Councils are able to recover from KCC all their costs associated with the election. The current practice is that the Districts estimate their total costs of the election and may request an advance payment from KCC for 100% of the estimate. The deadline for the submission of final accounts for the 2009 election was 31 January 2010. It is normal practice for these to be reconciled and audited by the Head of Registration & Coroners. In future, however, it would prove more resilient for such a review to be undertaken as a matter of course by Internal Audit.

2.9 The current status of the KCC Elections Database (including the ability for election staff to input results) and its interface with the KCC website for live broadcasting of election results

The current Elections system allows local election or bi-election results to be entered online. These results are automatically validated to ensure that the number of votes does not exceed the number of electors before displaying the winner. The public website makes extensive use of maps, highlighting divisions by colour to easily identify election results. The back office system has the ability to produce numerous reports, including candidate information, statistical results against previous elections, percentage of votes and majority figures either in data or graphical form. Notification

letters, candidate nomination forms and expenses returns are also generated via the back office system.

ISG will meet with the Head of Registration & Coroners in March to discuss and prioritise enhancements to the application, and this will align with the business strategy.

2.10 Arrangements for the distribution of Member information packs

This issue is covered in point 2.11.

2.11 Facilities available to members and the public at Sessions House on the day of the election counts

The Seminar Lecture theatre was set up for Members, officers and the public with a large screen displaying immediate information on those elected, and colour coding for the Districts. This information was also available on the KCC website. Refreshments were available throughout the day for those visiting the Lecture Theatre.

The costs involved in providing this service were in the region of £60,000 but the service provided was excellent. Fewer Members were present on this occasion than in the past but this was mainly due to the count taking place on the Friday.

The distribution of the Member packs on the day of the election counts proved to not only to be a cost saving exercise but ensured that Members had all the required information immediately they were elected. Only one Member failed to receive their pack on the day.

2.12 Other issues arising from the review

A number of other issues were raised mainly relating to postal votes, postal proxies and the information made available to the public in the run up to the election. These issues have been taken up directly with the relevant District election staff.

3. Conclusion

Overall, the arrangements with the District Councils for running the 2009 KCC election worked very well. However three key issues arose:

- (a) the necessity for the CRO to issue a clear advance direction that all the counts should start on the day following the election (as agreement could not be reached with all DROs for a common count start time)
- (b) complaints about the efficiency of the joint Dover and Shepway count.
- (c) revision of the practice in determining the Kent scale of election fees to ensure it is impartial and independent and reflects best practice elsewhere

Recommendations as to how these issues should be handled in respect of future elections are set out below

4. Recommendations

It is recommended that:

- (1) the CRO makes a direction for a Friday morning count for all future joint elections, and in order to give adequate notice this direction is made at least one year prior to the date of the election
- (2) the proposed Scale of Fees for 2010 be reviewed by this Committee and that it be given responsibility for authorising and approving the Scale of Fees each year thereafter
- (3) this Committee considers and determines whether a fee should be payable in future to the CRO and, if so, whether any part of that fee should be apportioned amongst KCC election staff
- (4) if joint counts are proposed by DROs for any future elections, these will be subject to the arrangements being agreed in advance by the CRO and respective DROs
- (5) a post-election audit and reconciliation of district council expenses claims be undertaken through the Internal Audit offices of KCC
- (6) succession planning arrangements are agreed by the Committee ahead of the retirement of the current Head of Registration & Coroners
- (7) the Committee endorses and adopts the Election Protocol set out at **Appendix B**, which sets out the procedures and arrangements for the conduct of KCC elections

Geoff Wild
Director of Law & Governance
x4302

Giles Adey
Head of Registration & Coroners
x1003

February 2010

Review of KCC Election 2009 – Terms of Reference

To review:

- the arrangements for day to day liaison between KCC and the Districts prior to, and on the days of, the election and count
- the administrative arrangements for the notification of the various election notices (poll, candidates, election agents, etc) to KCC
- the arrangements for the election counts and the process for the notification of results to KCC (including the attendance of KCC representatives at the count)
- the County Returning Officer's direction that the counts must not take place immediately following the close of poll and should instead start after 8:30 am on Friday 5 June
- the existing arrangement whereby the Head of Registration and Coroners (Proper Officer) is the accountable officer for the purpose of managing the election on behalf of the County Returning Officer
- the payments to KCC election staff under Item 32 of the Scale of Fees and Expenses
- the current status of the KCC Elections Database (including the ability for election staff to input results) and its interface with the KCC website for live broadcasting of election results
- the arrangements for the distribution of Member information packs
- the arrangements for the Districts to recover all their reasonable and necessary election costs from KCC
- the facilities available to members and the public at Sessions House on the day of the election counts
- and implement such recommendations as necessary to ensure the smooth running of all future KCC elections

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Election Procedure Note

Timescale	Action
-9 months	Hold meeting with ISG to test and check elections database software and agree process for 'real time' publication of results.
	Hold meeting with Kent Association of Election Administrators and Staff (KAEAS) to discuss and agree administrative arrangements for the election.
	Write to District Council Chief Executives requesting they nominate a Deputy Returning Officer (DRO) for their administrative area (Appendix 1).
	Identify KCC election support staff and allocate duties.
-8 months	Send DRO appointment letters (Appendix 2).
	In the case of a joint election (UK Parliamentary or EU) issue direction to DROs that KCC election counts commence at 9 am on the morning after the close of poll.
	Write to DROs requesting update of 'contacts list' and nomination of additional Deputy DROs for cover purposes.
-7 months	Send 'additional Deputy' DRO appointment letters.
-6 months	Write to DROs informing them election advance payments (100% of estimates) are now available. Process advance payment requests.
-4 months	County Returning Officer (CRO) holds meeting with DROs to discuss and agree final arrangements.
-3 months	Publish election timetable and supporting information on KCC elections website (update existing entry).
	Appoint KCC 'count representatives' and send contact details to DROs.
	Notify DROs that submission of final account election expenses is 31 January.
	Ensure back up system in place for KCC results processing and publication.
- 2 months	Head of Democratic Services team to prepare Member Induction Packs.
-35 working days	Final testing of elections database software.
	Arrange for display boards to be located in reception at Sessions House for all 'notices' to be displayed.

-25 working days	DROs publish Notice of Election and email copies to KCC. Display 'Notices' at Sessions House.
-19 working days (noon)	Receive from DROs details of all nominations and input into elections database.
-17 days	DROs publish Statement of Persons Nominated and email copies to KCC. Display 'Statements' at Sessions House.
	Print hard copy 'nomination' packs for those requesting them.
-16 working days	Receive from DROs any notices of withdrawal of candidature. Update elections database accordingly and display 'notices' at Sessions House.
	DROs publish Notice of Poll and email copies to KCC. Display 'Notices' at Sessions House.
-10 working days	Issue election press release to KCC Press Office
	Brief KCC Contact Centre as to who will be dealing with election issues and enquiries, contact no's etc.
	Hold meeting with ISG to finalise arrangements for processing of results and real time publication on KCC website.
-6 working days	DROs email KCC details of polling and counting agents. Display details at Sessions House.
	Ensure KCC count representatives are fully briefed and have made contact with DRO staff.
-3 working days	Distribute Member Induction Packs to KCC count representatives.
Polling Day (+1)	Ensure KCC staff on duty between 7 am-10 pm to deal with any issues arising from the election. Where deemed necessary inform CRO of any issues arising.
	Receive the results (via telephone) from KCC count representatives. Enter results onto elections database, verify data and publish on KCC website.
	KCC count representatives hand over Member Induction Pack to all elected Members.
	Print hard copy results packs as required.
	Compile 'Return of Candidates Elected' for signature by CRO
	Display 'Return of Candidates Elected' at Sessions House.
+ 35 days	Last day for the return of candidates election expenses
	Receive DRO election expenses claims, verify and approve.

+ 31 January	Last date for DROs to submit election expenses claims.
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